

1 **UNITED STATES DISTRICT COURT**

2 **DISTRICT OF NEVADA**

3 Gladys Perez,

4 Petitioner,

5 v.

6 State of Nevada, et al.,

7 Respondents.

Case No. 2:14-cv-2087-APG-BNW

ORDER

(ECF Nos. 134, 137)

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9 This habeas matter came before me for a contempt hearing at 9:00 a.m. on February 28,
10 2020. *See* ECF Nos. 128, 131, 135. Present was Amelia Bizarro, Esq., counsel for petitioner
11 Gladys Perez; Jessica Perlick, Esq., counsel for the respondents; and Bret O. Whipple, Esq.,
12 Perez's former counsel in the state post-conviction proceedings. After considering the parties'
13 submissions, Whipple's sworn testimony, and counsel's representations at the hearing,

14 I HEREBY ORDER as follows:

- 15 1. Attorney Bret O. Whipple has satisfied my show cause order (ECF No. 128),
16 demonstrating that a finding of civil contempt or discipline is not warranted.
- 17 2. Perez's unopposed Motion to Extend Time to Complete Discovery (**ECF No. 134**) and
18 Motion for Leave to File Supplemental Exhibits (**ECF No. 137**) are **GRANTED**.
- 19 3. To clarify my September 30, 2019 order (ECF No. 119 at 20) regarding briefing of the
20 narrow equitable tolling issue for which discovery was granted, the following
21 procedure will apply. After the close of discovery, Perez will submit a memorandum
22 of points and authorities addressing solely the equitable tolling issue. The respondents
23 may then file a response memorandum within 14 days after service of Perez's

1 memorandum. No reply is permitted. I will then reinstate the motion to dismiss and
2 motion for evidentiary hearing and issue a comprehensive ruling.

3 By **March 11, 2020**, the parties must (i) confer regarding the amount of time necessary to
4 complete any remaining discovery and brief the equitable tolling issue in accordance with this
5 order, and (ii) submit a stipulation indicating the proposed deadlines for discovery and briefing.

6 Dated: March 2, 2020.

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9 ANDREW P. GORDON
10 UNITED STATES DISTRICT JUDGE
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